IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

-

WRIT PETITION NO : 15172 of 2004

Between:

G.Shayam Sunder Raj, General Secretary,
Vasavi Cooperative Urban Bank Ltd.,

Staff Union affiliated to APSEF, Hyderabad, A.P.

..... PETITIONER

AND

1.Registrar of Cooperative Societies, Govt. of A.P., Hyderabad.
2.The Chairman, Vasavai Coop.Urban Bank Ltd., Malakpet,

Hyderabad.
3.The Managing Director, Vasavi Coop. Urban Bank Ltd.,

Malakpet, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondent No.1 in passing order in Rc.No.88629/2000 U 135, dt.17.5.2004 and set aside the same as illegal, arbitrary, untenable, unconstitutional and opposed to the principles of natural justice and direct the respondent to stop retrenchment of the employees.

Counsel for the Petitioner: MR.S.PRASAD RAO

Counsel for the Respondent No.1: G.P. for Co-operation.

Counsel for the Respondent Nos.2&3: MR.S.ASHOK ANAND KUMAR, Standing Counsel for Vasavi Coop.Urban Bank Ltd.

The Court at the stage of admission made the following :

-

-

-

THE HONOURABLE DR.JUSTICE G.YETHIRAJULU

WRIT PETITION No.15172 OF 2004

ORDER:

The petitioner/union approached this Court through this writ petition seeking to declare that the order of the first respondent dated 17.05.2004 is illegal, arbitrary, untenable and opposed to the principles of natural justice.

2. The first respondent issued proceedings dated 17.05.2004 approving the staffing pattern of the second respondent/bank under Section 116-C of the Andhra Pradesh Co-operative Societies Act, 1964. In the said proceedings, the Commissioner mentioned that the Managing Committee of the second respondent/bank through its resolution dated 28.04.2004 resolved to reduce the strength of the staff from 357 to 150, therefore, the Commissioner after considering the circumstances narrated by the second respondent, approved the resolution of the Managing Committee of the Bank.

3. The petitioner/union being aggrieved by the said Order, approached this Court challenging its validity and legality. But, subsequently, in pursuance of the resolution of the Managing Committee of the second respondent/bank, the members of the petitioner/union were retrenched from service through proceedings dated 31.08.2004. Since the Management already passed orders of retrenchment, it is for the petitioner to agitate about its legality before the appropriate forum. In the light of the subsequent developments, the writ petition has become infructuous.

4. The writ petition is accordingly dismissed as infructuous. No costs.

Dr.G.YETHIRAJULU,J

Date: 15th September, 2004.

CS/KM

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Registrar of Cooperative Societies, Government of Andhra Pradesh, Hyderabad.
2. The Chairman, Vasavi Cooperative Urban Bank Limited, Malakpet, Hyderabad.
3. The Managing Director, Vasavi Cooperative Urban Bank Limited, Malakpet, Hyderabad.
4. Two copies to the Government Pleader for Co-operation, High Court of A.P. Buildings, Hyderabad. (O.U.T.)
5. Two C.D. copies.